

## Memorandum

**TO:** Mr. Pete Gutwald, Director, Department of Planning and Zoning

**FROM:** Jennifer M. Smith, Geosyntec Consultants, Inc.

**DATE:** November 9, 2007

**SUBJECT:** Zoning Code Update Meeting 8 – Meeting Summary  
October 22, 2007, Second Floor Conference Room  
Harford County Office Building

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### Attendees

#### Workgroup Members Present:

Col. Charles Day  
Ms. Carol Deibel  
Mr. Bill Vanden Eynden  
Mr. Samuel Fielder, Jr.  
Mr. Rowan G. Glidden  
Mr. Frank Hertsch  
Mr. Jeffrey K. Hettleman  
Mr. Tim Hopkins  
Mr. Douglas Howard  
Mr. Gil Jones  
Mr. Gregory J. Kappler  
Mr. Michael Leaf  
Ms. Gloria Moon  
Mr. Torrence Pierce  
Mr. Frank Richardson  
Mr. Lawrason Sayre  
Mr. Chris Swain  
Mr. Jim Turner  
Mr. Craig Ward

#### Workgroup Members Absent:

Ms. Susie Comer  
Mr. William E. Goforth  
Ms. Susan B. Heselton  
Ms. Marisa Willis  
Mr. Jay Young

County Representatives Present:

Mr. Pete Gutwald, Director, Department of Planning and Zoning

Mr. Tony McClune, Deputy Director, Department of Planning and Zoning

Ms. Janet Gleisner, Chief, Division of Land Use and Transportation

Ms. Theresa Raymond, Administrative Assistant, Director's Office

Facilitators:

Ms. Jennifer M Smith, Geosyntec

Ms. Christy Ciarametaro, Geosyntec

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**Meeting Summary**

The eighth meeting of the Harford County Zoning Code Update Workgroup was held at 2:00 pm in the second floor conference room at the offices of the Department of Planning and Zoning. A meeting agenda was distributed to each workgroup member. A sign-in sheet was distributed to the group. The Meeting Summary from Meeting 7 was distributed for review and was approved with one change. The work group members requested that the summary clearly state that while there were discussions during meeting seven, no decisions or conclusions were made. Additionally, Mr. Denis Canavan, Director of St. Mary's County Department of Land Use and Growth Management, will be given an opportunity to comment on the Meeting 7 summary.

Presentation by DPZ – Agriculture

Mr. Pete Gutwald, Harford County's Director of Planning and Zoning, reviewed the changes to Agricultural District Regulations in the following sections of the proposed zoning code: §267-13, §267-27, §267-50, §267-53, §267-72, §267-73, and Subdivision Regulations 6.01.

Workgroup Discussion:

A workgroup discussion followed Mr. Gutwald's presentation.

**1. Topic:** Transfer of Development Rights Program - Designation

**Discussion:**

- A member of the workgroup was concerned that two different RR and VR designations would be confusing. Instead, a suggested to make a AG/TDR designation with design requirements the same as RR. Areas that are AG within the RR designation on the Land Use Plan would become AG/TDR designations if a development right(s) was transferred. Sending/receiving areas, as proposed, would exist.

- Other members questioned whether or not existing RR and VR zoning districts would still exist, and whether or not that designation would change if the TDR section of the proposed code was implemented.
- The Department clarified sending and receiving areas. In the proposed zoning code, properties zoned AG within the Agricultural Land Use Designation, are the sending areas, and the properties zoned AG within the RR and VR Land Use Designations, are the receiving areas. TDR purchase is tied to the comprehensive zoning process. During this process, a property zoned Agricultural within the RR or VR Land Use Designation, can request to rezone to RR or VR. If the rezoning is granted by the County Council, those properties will have a new designation. The exact designation is yet to be determined, but for example, it would be shown as RR/TDR or VR/TDR. In order for those properties to develop at the density of an RR or VR designation, they must purchase development rights. Current RR and VR zoning districts will still exist as they are today.
- One member felt the purpose of TDR's is to preserve AG land, and if you are rezoning AG land, you are not preserving it.
- Another member stated that the purpose is to preserve AG land while maintaining the value of the land. It is up to the AG community to finance TDR's. The proposal does not encourage development outside the RR and VR Land Use designations. If it is not implemented, AG land can still be rezoned through the existing process, and get the density without the TDR purchase and subsequently without preserving the land.
- Ms. Gloria Moon indicated that the Friends of Harford would like to go on record as stating that they support TDR's for any upzoning whether in the development envelope or not; however, the TDR receiving areas should be limited to those that currently have adequate public water and sewer and roads to serve the additional units.
- Another member of the workgroup stated the draft does not preserve AG land and it should be rewritten. Additionally, TDR's should be open to any parcels with the potential for upzoning; any zoning classification to any other zoning classification.
- Some workgroup members expressed concern that it was too early to make recommendations on the location of receiving areas for the proposed TDR program. These members indicated that the issue required more discussion and information and therefore should not be decided on at this time.
- A member of the workgroup questioned the measure of acreage zoned AG to calculate TDR's. Mr. Gutwald stated that the Department of Planning and Zoning measured the AG- RR and AG- VR area to determine how many acres could be developed. He stated approximately 8,000 units (12,000 in the AG area). This was later corrected, via email to workgroup members to indicate: *Approximately 4,000 to 4,500 acres are currently zoned agriculture in areas indicated on the Land Use Element Plan as RR and VR. If this area is designated as the receiving area, then approximately 2,000 to 2,250 TDR units could be directed here. There are currently approximately 12,000 development rights available in the AG zoned*

*areas*. This does not take into consideration what must be left and does not include family conveyance.

- The significance of what this could be worth in acres and dollar amounts to AG preservation without taxpayer input was discussed. A member of the workgroup stated that research showed farmland without development rights is worth approximately \$6,000 an acre as opposed to \$18,000 per acre with development rights.
- A workgroup member asked how the AG community felt about TDR's. Mr. Fielder, representing the Farm Bureau said they support the concept; the more options, the better as long as values are up.
- It was also suggested that the TDR information be shown in the VR and RR district sections of the proposed Zoning Code.

**Result:**

- The majority of the workgroup agreed (with dissenting views) to adopt the draft TDR section subject to clarification of designating receiving zones and limit to areas shown on the land use plan.

**2. Topic: Transfer of Development Rights Program – Ratio**

**Discussion:**

- A member of the workgroup expressed concern that the proposed 1:1 ratio of development rights transfer was not enough to provide incentive for a sending owner to sell development rights. A 2:1 ratio would provide more incentive. Since the price of a TDR is market driven, during a low price market, the sending owner may consider holding onto his property, or developing it, as a more financially lucrative option rather than selling TDRs.
- It was discussed that if you provide a 2:1 ratio, you will be left with development rights that you cannot transfer once the receiving area is at capacity, and therefore, you would not gain anything.

**Result:**

- The majority of the workgroup agreed (with dissenting views) to kept the 1:1 ratio of development rights transfer, as proposed in the Revised Zoning Code.

**3. Topic: Family Conveyances**

**Discussion:**

- The workgroup discussed whether family conveyance units could be transferred as part of the TDR program. It was stated that approximately 25% of available development rights are considered family conveyances.

**Result:**

- The majority of the workgroup agreed that family conveyance units should be included as part of the TDR program. In addition, it was suggested to “clean up” the wording in family conveyances.

**4. Topic:** Clarification of Purpose Statement

**Discussion:**

- A workgroup member stated the last sentence in the purpose statement is unnecessary.

**Result:**

- In §267-53(A), the last sentence, “Low density residential development is also permitted” will be deleted.

**5. Topic:** Creating New Lots - Agricultural Preservation District

**Discussion:**

- One member of the workgroup was concerned about the process for new lots created in the Agriculture Preservation District but removed from the District as described in §267-53D(3)(b). This section requires that new lots be 2 acres in size. However, since lots created in the Agriculture Preservation District have a minimum lot size set by the State of Maryland, there may be a situation where a lot created in the Ag Preservation District is less than 2 acres but now needs to meet a minimum lot size requirement of 2 acres. Also, it is unclear who carries the responsibility of rerecording the lot with DPZ: the current or previous owner of the lot?
- In addition, this section pertains to property within the AG preservation program. This requirement should also be stated in the portion of the County Code pertaining to agricultural preservation so everyone knows about the regulation.

**Result:**

- The workgroup agreed to eliminate the last two sentences, beginning “In the event that the primary parcel is removed....” in §267-53D(3)(b).

**6. Topic:** Accessory Uses and Structures

**Discussion:**

- A workgroup member requested that septic reserve areas, wells, and stormwater management areas not be permitted in agricultural districts to serve a use permitted in another district §267-27C(7).
- It was clarified that this provision is for property that is split-zoned and under the same ownership and that those split-zoned properties need the provision. It was stated that this allowance is currently in the courts.

**Result:**

- The workgroup agreed to clarify the text to state split-zoned property under the same ownership.

**7. Topic:** Agricultural Public Event and Agricultural/Commercial - Acreage and Income/Sales Requirements for Agricultural Activities

**Discussion:**

- A workgroup member suggested eliminating the 20 acre minimum parcel area from §267-73A(2) and §267-53D(7)(a). Additionally, the \$15,000 annual sales requirement from §267-73A(2) should be eliminated. The productivity and profitability of crops varies greatly from year to year.

**Result:**

- The majority of the workgroup agreed (with a dissenting view) to eliminate the minimum parcel area and sales requirements from §267-73A(2) and §267-53D(7)(a).

**8. Topic:** Industrial Uses in the Agricultural District

**Result:**

- A clarification was made to workgroup members that industrial uses in the agricultural district are either permitted by right (in §267-73(C) and the Permitted Use Charts) or not allowed.

**9. Topic:** Restaurant Operating Times in the Agricultural District

**Discussion:**

- A workgroup member suggested changing the allowable operating times for restaurants in the Agricultural District from starting at 7am to starting at 6am to be consistent with other uses under the Special Development standards.

**Result:**

- The workgroup agreed to change the allowable operating start time to 6am for restaurants in §267-73G(4).

**10. Topic:** Special Exceptions/Special Development in the Agricultural District

**Discussion:**

- There was a general discussion by the workgroup on when special exceptions and special development standards are necessary. Specifically, commercial riding stables and feed and grain storage and sales were discussed. Workgroup members requested clarification on the scale and principal use requirements for such activities. An activity would be considered a commercial riding stable if the business is open to the public for the purpose and intent of providing riding lessons.
- A workgroup member suggested that the zoning code overly restricts farm stands and agricultural products. It was suggested that performance standards be expanded in special development sections to include better defined boundaries between agricultural activities and special development standards.

**Result:**

The Department of Planning and Zoning suggests the workgroup come back at the next meeting with suggestions on parameters for special developments. The workgroup agreed that if the activity is incidental to the purpose of the property, then the activity does not require a special exception.

At Meeting 9, the workgroup will continue discussing Agriculture (District Regulations) and discuss Builders for the Bay and Smart Growth (District Regulations).

**Administrative Issues:**

The meeting was adjourned at 4:00 pm.

The Harford County Zoning Code website can be accessed at:  
<http://www.harfordcountymd.gov/ZCUpdate/index.cfm>.

**Meeting Handouts**

1. Meeting Agenda
2. Draft Meeting 7 Summary – October 8, 2007
3. Summary of Changes to the Agriculture District Regulations

**Next Scheduled Meetings**

Date: November 19, 2007  
Time: 2:00 pm - 4:00 pm  
Topic: Meeting 9 – Agriculture (District Regulations) and Builders for the Bay and Smart Growth (District Regulations)  
Location: Harford County Administrative Office Building  
220 South Main Street  
2nd Floor Conference Room  
Bel Air, MD 21014

Date: December 10, 2007  
Time: 2:00 pm - 4:00 pm  
Topic: Meeting 10 – Natural Resources/Chesapeake Bay Critical Area  
Location: Harford County Administrative Office Building  
220 South Main Street  
2nd Floor Conference Room  
Bel Air, MD 21014